

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DELAVAU, LLC,**  
**Plaintiff,**

**v.**

**J.M. HUBER CORPORATION,**  
**Defendant.**

**CIVIL ACTION**

**NO. 17-4005**

**ORDER**

**AND NOW**, this 21st day of December, 2017, upon consideration of Defendant's Motion to Dismiss and to Stay (Document No. 18, filed November 13, 2017), Plaintiff Delavau, L.L.C.'s Memorandum in Opposition to Defendant J.M. Huber Corporation's Motion to Dismiss (Document No. 29, filed November 28, 2017), Plaintiff Delavau, L.L.C.'s Memorandum in Opposition to Defendant J.M. Huber Corporation's Motion to Stay (Document No. 30, filed November 27, 2017), and Reply Memorandum in Support of Defendant's Motion to Dismiss and to Stay (Document No. 33, filed December 12, 2017), for the reasons set forth in the Memorandum dated December 21, 2017, **IT IS ORDERED** that Defendant's Motion to Dismiss and to Stay is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. Those parts of Defendant's Motion to Dismiss and Stay seeking dismissal of Counts I and Counts III are **DENIED**;
2. That part of Defendant's Motion to Dismiss and Stay seeking dismissal of Count II is **GRANTED**;
3. That part of Defendant's Motion to Dismiss and Stay seeking a stay of discovery pending a ruling on the Motion to Dismiss is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that a preliminary pretrial conference will be scheduled in due course.

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**